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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 14-10862

11 Javier U Ramirez and Maria Isabel Hernandez Chapter 12

12 Debtor(s)
13 _____/

**AMENDED CHAPTER 12 PLAN
OF DECEMBER 4, 2014**

14 Javier U Ramirez and Maria Isabel Hernandez (collectively, the “Debtors”) propose this
15 plan of reorganization (the “Plan”) pursuant to the provisions of Chapter 12 of the Bankruptcy
16 Code.

17 This Plan sets forth the Debtors’ proposal for the satisfaction of certain claims against the
18 Debtors. The Debtors hereby request that the Bankruptcy Court confirm the Plan. Further,
19 pursuant to 11 U.S.C. § 1222(c), Debtors herein request that payments on the Plan extend to five
20 (5) years.

21 The effective date (“Effective Date”) of the plan shall be the day the Bankruptcy Court
22 enters an order confirming the plan.

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1.5. **Class 5 (General Unsecured Claims).** Class 5 consists of all allowed unsecured Claims against the Debtors not included or provided for in any other class.

ARTICLE II

TREATMENT OF CLAIMS UNDER THE PLAN

2.1. **Class 1 is impaired. (Secured claim of Wells Fargo Home Mortgage)** The holder of the Class 1 claim shall be paid the total amount of holder's allowed secured claim (**payoff amount**) or an amount equal to the holder's interest in the Debtor's interest in the collateral, to be determined in accordance with Section 506 of the Bankruptcy Code, whichever amount is less. The payments shall be made in equal monthly installments of principal and interest at a market rate based upon a 30 year amortization. The market rate shall be 5.25%, unless the court determines otherwise at confirmation. The value of the collateral shall be \$453,544, unless the Court determines otherwise at confirmation. Such holder shall retain its interest in the collateral, subject to avoidance by the Debtors of such interest pursuant to Section 506 of the Bankruptcy Code.

Any escrow amounts due for property taxes or insurance shall be made directly by the Debtors to the holder of the claim.

2.2. **Class 2 is not impaired. (Secured Claims of Wells Fargo Home Mortgage and Select Portfolio Servicing).** The holder of the Class 2 claims shall be paid directly by the Debtors under the terms of the original purchase and financing agreement.

2.2.5 **Class 2.5 is impaired. (Secured Claims of Wells Fargo Home).** The holder of the Class 2 claims shall be paid directly by the Debtors under the terms of the original purchase and financing agreement. Except that arrears in the amount of \$3,795.20 shall be paid through the bankruptcy plan.

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1 2.3. **Class 3 is not impaired. (Secured Claim of The Security Mortgage Group).**

2 The holder of the Class 3 claim shall be paid directly by the Debtors under the terms of the
3 original purchase and financing agreement.

4 2.4. **Class 4 is impaired. (Priority Claims).** The holders of Class 4 claims shall be

5 paid in equal monthly installments over the term of the plan.

6 2.5. **Class 5 (General Unsecured Claims) is impaired.** The holders of Class 5 claims

7 shall be paid pro-rata, all remaining funds after payments of the impaired claims listed above.

8 The amount to be paid to this class is approximately \$1,355.17. Debtors estimate that holders of
9 the allowed unsecured claims would receive the sum of \$1,355.17 if the estate were liquidated
10 under Chapter 7 of the Code.

11 **ARTICLE III**

12 **PLAN PAYMENTS AND EXPENSES OF ADMINISTRATION**

13 3.1 **Payments.** Commencing on the Effective Date of the Plan Debtors shall make

14 payments to the Trustee on a monthly basis on the 20th day of each month for the term of the
15 plan.

16 3.1.1. **The plan payments are estimated to be \$3,354 per month for 60 months.** All

17 impaired claims shall be paid through the Chapter 12 Trustee. The monthly payments on the
18 individual impaired claims are estimated as follows:

19 Class 1 Claim (Claim of Wells Fargo Home Mortgage): estimated at \$2,430 for 60
20 months. At the conclusion of the Plan, the Debtors shall make payments directly to the holder of
21 the claim.

22 Class 2.5 Claims (Claim of Wells Fargo Home Mortgage): estimated at \$63 for 60
23 months.

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1 Class 4 Claim (Priority Claims) estimated at \$490 for 60 months.

2 Class 5 claims shall be paid once all priority, and administrative claims have been paid in
3 full.

4 3.1.2 **Trustee Fees.** The Trustee shall be paid as provided by the Bankruptcy Code.

5 3.1.3. **Debtors' Counsel Fees.** Counsel for Debtors has received a total of \$2,000 prior to
6 the filing of the case. Counsel for Debtors shall apply to the Court for allowance of any future
7 fees or expenses. Any future administrative expenses that may be allowed to Debtors' counsel
8 shall be disbursed by the Chapter 12 Trustee from funds paid to the Trustee by the Debtors. Said
9 funds shall be disbursed after disbursement of the estimated monthly payments referenced in
10 section 3.1.1 of the Plan.

11 **ARTICLE IV**

12 **MISCELLANEOUS**

13 4.1. **De Minimis Distributions.** Notwithstanding any other provision of the Plan,
14 distributions of less than \$100.00 need not be made on account of any allowed claim. Any
15 distributions that would otherwise be made but for this provision shall carry over until the next
16 distribution date until the cumulative amount to which any holder of an allowed claim is entitled
17 to more than \$100.00, at which time the cumulative amount of such distributions will be paid to
18 such holder.

19 4.2. **Vesting.** The Debtors shall be revested with the assets of the estate on the
20 Effective Date of the Plan subject to the terms of the Plan.

21 4.3. **Post-Confirmation Management.** After confirmation of the plan, the Debtors
22 shall be free to operate their farming operations without further supervision or control by the
23 Bankruptcy Court and free of any restrictions imposed by the Bankruptcy Code except as
24 provided in the Plan or by an order of the Bankruptcy Court. Specifically and without limitation,

1 the Debtors may sell, lease, or refinance their property without further Order of Court, upon
2 written approval of the Chapter 12 Trustee.

3 4.4. **Tax Returns.** The Debtors shall file all future tax returns and pay any and all
4 taxes owed on a timely basis. Copies of all filed returns shall be provided to Trustee within 30
5 days of filing.

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7 Dated: December 4, 2014

/s/Javier U Ramirez
Javier U Ramirez, Debtor

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9 Dated: December 4, 2014

/s/Maria Isabel Hernandez
Maria Isabel Hernandez , Debtor